

## **MINUTES**

**CITY OF WARR ACRES  
REGULAR CITY COUNCIL MEETING  
TUESDAY  
JUNE 20, 2006  
7:00 P.M.**

1. The meeting was called to order at 7:00 p.m. Declaration of a quorum present was given. The Flag salute was lead by Chief Carter and the Invocation was given by Chief Carter.

### **ROLL CALL**

#### **PRESENT**

#### **ABSENT**

Mayor Marietta Tardibono  
Vice-Mayor Jeff Martinez  
Councilman Jimmy Alexander  
Councilman Walter Johnson  
Councilman Mike Gossman  
Councilman Rodney Nelson  
Councilman Stan Street  
Councilwoman Nancy Olson  
Councilman Stewart Shapiro

#### **STAFF PRESENT**

Pam Ramirez, City Clerk  
Bob Jernigan, City Attorney  
Roger Patty, Police Chief  
Rob Carter, Fire Chief  
Wiley Rice, Jr., City Planner

2. Presentation of donation from Monroe Elementary to Officer Schatzer and Officer Lerry.

The Mayor stated that Officer Schatzer was teaching school and unavailable to attend the meeting so the item would be continued.

3. Questions and Comments from Warr Acres Residents.

Bob Wehba said the council needed to be consistent. He said that two of the members have complained about the actions of the Police Department in their neighborhoods and then they all voted except the Mayor to not fill a position and to take away the take home cars.

George Brown, Wally Wash owner, said that he has donated \$2200 in car washes to the Police department. The Mayor thanked him for the free washes.

The Mayor stated that in view of the fact that the Saturday dumping has been stopped she was reinstating the Fall Big Trash day and those would be the Wednesdays in October with Ward I, October 4<sup>th</sup>; Ward II, October 11<sup>th</sup>; Ward III, October 18<sup>th</sup>; and Ward IV, October 25<sup>th</sup>. Councilman Martinez asked how the city was going to pay for this. Councilman Nelson stated that the council needed to make that decision and the Mayor responding saying that she was doing it administratively. Councilman Nelson said that he had an item later on the agenda to address this very issue.

4. Recess to enter into the Warr Acres Economic Development Authority Meeting.

The council recessed at 7:15 p.m. to enter into the Economic Development Authority Meeting.

5. Convene as Warr Acres Economic Development Authority.

6. Reconvene City Council Meeting.

The council reconvened at 7:51 p.m.

Item 7 was heard after item 23.

7. CONSENT DOCKET: (individual items may be deleted from the consent docket for discussion and action under #8.

- A. Approval of Expenditures \*\*\*\*\* General Fund \$ 61,650.54
- B. Approval of Minutes from the May 16, 2006 Regular Meeting and May 18, 2006; June 1, 2006 and June 12, 2006 Special Council Workshop Meetings. \*\*\*\*\*
- C. Receive minutes from the Planning Commission Regular meeting of April 11, 2006 continued to May 4, 2006 continued to the Regular meeting on May 9, 2006, continued to May 23, 2006. \*\*\*\*\*
- D. Approve Transfer of Appropriation of \$25,000 to the Garage department from General Government department.
- E. Approval of Supplemental Appropriation of donated money to the Police Department in the amount of \$106.33 for a dog vest.
- F. Approval of Supplemental Appropriation of CIP sales tax for April and May in the amount of \$104,915.56 with \$1,925 appropriated for dumpsters and \$102,990.56 to MacArthur.

Councilman Nelson asked to pull A and F.

Motion by Martinez, second by Shapiro to approve B, C, D, and E. Poll vote: Alexander, yea; Johnson, yea; Nelson, yea; Gossman, yea, Martinez, yea; Street, yea; Shapiro, yea; Olson, yea; and Tardibono, yea.

**Motion Passed Unanimously.**

8. Discussion and possible action on items removed from the consent docket.

Councilman Nelson asked how many hours Mr. Simmons worked for \$678. The description read like he earned this amount between 5-27 and 6-3 and there was a holiday in there. Clerk Ramirez pulled the claim and told the council that the time card had week one ending on 5-27 and he was clocked in for 34.82 hours and the week ending 6-3 he was clocked in for 33.01 hours.

Councilman Martinez asked what the \$350 charge for OLETS was and Chief Patty stated that it was the monthly fee for access to the state system. He also asked Chief Carter how long \$118 worth of coffee and sugar would last. Chief Carter stated that years ago there was a lawsuit over coffee and now it is a contractual issue that is paid quarterly.

Councilman Alexander said that he hoped that the claim to Farrington Towing of \$7000 was more than just towing. Clerk Ramirez stated that it was towing and the transmission repair.

Motion by Martinez, second by Shapiro to approve A. Poll vote: Alexander, nay; Johnson, yea; Nelson, nay; Gossman, yea, Martinez, yea; Street, yea; Shapiro, yea; Olson, yea; and Tardibono, yea.

**Motion Passed.**

Councilman Nelson stated that he would like to vote on the two amounts to be appropriated separately.

Motion by Nelson, second by Johnson to approve the appropriation of CIP tax in the amount of \$1925 for dumpsters in the CIP budget. Poll vote: Alexander, yea; Johnson, yea; Nelson, yea; Gossman, yea, Martinez, yea; Street, yea; Shapiro, yea; Olson, yea; and Tardibono, yea.

**Motion Passed Unanimously.**

Motion by Martinez, second by Shapiro to approve the appropriation of CIP tax in the amount of \$102,990.56 for MacArthur Project in the CIP budget. Poll vote: Alexander, nay; Johnson, nay; Nelson, nay; Gossman, yea, Martinez, yea; Street, yea; Shapiro, yea; Olson, yea; and Tardibono, yea.

**Motion Passed.**

9. Receive reports from Staff: Police, Fire, City Clerk, City Inspector, City Engineer, City Planner.

Inspector Turman said the strip mall at 39<sup>th</sup> and MacArthur is being remodeled on the exterior, Dollar General is near completion and Dollar Saver will be bricked.

Councilman Gossman asked if a new Police Officer has been hired. The Mayor stated that a replacement had been made. Councilman Nelson stated that the council voted to not consider replacing an officer that left until the 2006-2007 budget year. The Mayor stated that this replacement was not the same one that they refused to replace this replacement was for another officer that left. There was discussion over whether the Resolution on the hiring freeze exempted replacements to be approved by the council by lifting the hiring freeze or if the Mayor could just make the replacement. Attorney Jernigan stated that when they did the Resolution they were trying to clarify seasonal, part time and casual hiring such as Mr. Simmons. He said nothing addressed replacements. That has always been up in the air one time it is brought before them and they say it is a replacement and does not need their approval and the next they say it does. Councilman Nelson said that the council made it clear in May that there was to be no hiring and no replacing. Councilman Martinez asked if there was an ad ran for the position and the Mayor stated yes they took applications. She said that there was a pool of applications for Police Officers. She also stated that the Police Department should be fully staffed.

10. Questions and comments from Council members.

Councilman Street said that it was a sad day in Oklahoma County when an upstanding former Councilman was charged with a felony by the DA's office for Animal Cruelty when he was only trying to protect his pet.

Councilman Martinez said that he was appalled at the fact that a sanitation truck was sold at the auction for \$25 and the purchaser bought two batteries and a can of ether and drove it off the lot. He said the city needed a better auction process. And a police car purchased by Councilman Street had a full tank of gas. Clerk Ramirez stated that they have already discussed that a reserve amount needs to be placed on vehicles such as the sanitation truck to prevent any future problems like this. Councilman Martinez said the city would have gotten more from the truck by taking it across the scales. Chief Patty said that two of the cars did not sell and asked if that was how the council would like for him to dispose of them by taking them across the scale. They told him they would like for Chief Carter to use them in training and they take them across the scale.

Councilman Shapiro said that he would like to council to consider a summer meeting schedule like OKC does they scale back to holding meetings every other time. He said that since his voting was questioned tonight concerning the police department he felt he needed to respond. He said that he had complained but that when he was told of the situation he understood. As for the take home vehicles he based his decision on liability of the city. He said they were told that there would be no liability on the city but when they contacted OMAG they told them that they never approved of taking the vehicles out of town or for family's to be in the vehicles. He said they were told that everyone that rides must sign a waiver.

Chief Patty stated that everyone does sign the waiver and Councilman Shapiro stated that he had ridden and never signed one. And on the issue of the replacement officer he said that the city has 17 Reserve Officers and they are to work 16 hours a month and he felt they could be used to cover. Chief Patty stated that the last information he had from insurance was that they were ok with the policy and if that has changed he did not know. Councilman Shapiro said that if there were an accident that OMAG would not cover it and the victim would have to file with their own insurance or file a tort claim against the city. Councilman Martinez stated that Dorie with OMAG had told him that the councilmembers were not covered under the city's insurance when they ride and family members are not either. Councilman Shapiro stated that he fully supports the Police department but can not vote to approve everything when he does not agree with it. He also stated that it was a travesty the way the two young soldiers were brutally murdered in Iraq and said that everyone should pray for their families.

Councilwoman Olson stated that situations, such as the \$25 sale of the sanitation truck is just another reason they need a Public Works Director.

Councilman Alexander stated that he had a nice visit from State Representative Cliff Branan who was in his neighborhood campaigning.

Councilman Nelson asked the Mayor if the Daily Oklahoman had quoted her correctly saying the council had made a hasty decision on the take home vehicles. She stated that she had said that. He said that he was upset that she would say such a thing when they had lots of information presented to them before the decision was made.

Councilman Gossman said there is a lot of material that is back behind the shop that needs to be hauled off and taking across the scales. It is a rat haven back there.

11. Final Public Hearing and possible action for a Service Office at 4520 NW 50th Street as a Use Subject to Review in the C3 (Neighborhood Shopping) District. Applicant: Greg Silvernail. \*\*\*\*

City Planner Wiley Rice stated that the Planning Commission had recommended approval and that there are other offices there already. Inspector Turman stated that 8 notices were sent out and there were none returned and no protest.

Motion by Martinez, second by Gossman to close the Public Hearing. Poll vote: Alexander, yea; Johnson, yea; Nelson, yea; Gossman, yea, Martinez, yea; Street, yea; Shapiro, yea; Olson, yea; and Tardibono, yea.

### **Motion Passed Unanimously.**

Motion by Martinez, second by Gossman to approve the recommendation of the Planning Commission. Poll vote: Alexander, yea; Johnson, yea; Nelson, yea; Gossman, yea, Martinez, yea; Street, yea; Shapiro, yea; Olson, yea; and Tardibono, yea.

**Motion Passed Unanimously.**

12. Final Public Hearing and possible action for an Automobile Sales Lot at 5912 NW 36th Street as a Use Subject to Review in the C4 (General Business) District. Applicant: John Thephachanh/Weldon Hugh. (This item needs to be continued to the July 5<sup>th</sup> City Council Meeting)

Motion by Martinez, second by Gossman to continue this item to the July 5<sup>th</sup> meeting. Poll vote: Alexander, yea; Johnson, yea; Nelson, yea; Gossman, yea, Martinez, yea; Street, yea; Shapiro, yea; Olson, yea; and Tardibono, yea.

**Motion Passed Unanimously.**

Councilman Alexander said that he wanted to pull items 13 and 14 at this time and would bring them back at a later date.

13. Discussion and possible action to rescind the council's action on the detectives take home vehicles. \*Alexander\*
14. Discussion and possible action to rescind the council's action on the police departments take home marked units. \*Alexander\*
15. Discussion and possible action on the continuous flushing of the water main at 47<sup>th</sup> and State that is deteriorating the streets. \*Johnson\*

Councilman Johnson stated that he would like for Attorney Jernigan to take a look at the agreement that came from the lawsuit with OKC years ago concerning the water. Attorney Jernigan stated that he would do that and that the city needed to look at the Ordinances they have on the books concerning issues of OKC working on the water lines within the city and repairing the street when they are finished. Councilman Johnson stated that the city did not have the money to replace the street and he hated to see the city go through another winter with the continued flushing deteriorating the street further. Mr. Jernigan said that he would like to get more information from Councilman Johnson.

16. Discussion and possible action on what needs to be done concerning big trash pick-up. \*Nelson\*

Councilman Nelson he wanted the council to consider ways that the residents can dispose of their big trash since the funding is not there. He said possibly they could fund it by charging more for the multi-family unit service. He asked for an item to be placed on the next agenda to change the charges for multi-family units. He asked Clerk Ramirez how many private haulers are licensed in the city and she told him she would get the information for him. Former Councilman Bob Wehba stated that he would volunteer his services and work on the 1<sup>st</sup> Saturday of each month to check people in and let them dump at the yard.

17. Discussion and possible action concerning a Code Enforcement position. \*Nelson\*

Councilman Nelson said that he had mentioned this last meeting and again because he feels that since the list of nuisances is down to 12 that Mr. Simmons has been working on he feels it should be brought back in house and the Animal Control officer can take care of it since is part of his duties anyway. The Mayor stated that she had already cut Mr. Simmons hours back to 2 days a week.

Motion by Nelson, second by Johnson to eliminate the contract CEO position and give the responsibility back on the Animal Control officer. Poll vote: Alexander, yea; Johnson, yea; Nelson, yea; Gossman, yea, Martinez, yea; Street, yea; Shapiro, yea; Olson, yea; and Tardibono, nay.

**Motion Passed.**

18. A. Discussion and possible action on an Ordinance formally rezoning IONE as a PUD. \*Jernigan\* \*\*\*\*

Attorney Jernigan told the council that at the last meeting they approved the design statement and now to formally adopt the change they needed to approve this Ordinance which will have the design statement attached to it.

Motion by Martinez, second by Alexander to approve the Ordinance. Poll vote: Alexander, yea; Johnson, yea; Nelson, yea; Gossman, yea, Martinez, yea; Street, yea; Shapiro, yea; Olson, yea; and Tardibono, yea.

**Motion Passed Unanimously.**

Clerk Ramirez stated that this would be Ordinance #1021.

- B. Approval of emergency clause.

Motion by Johnson, second by Nelson to approve the emergency clause. Poll vote: Alexander, yea; Johnson, yea; Nelson, yea; Gossman, yea, Martinez, yea; Street, yea; Shapiro, yea; Olson, yea; and Tardibono, yea.

**Motion Passed Unanimously.**

19. A. Discussion and possible action on an Ordinance amending 8.04.010 Designation, nuisances. \*Jernigan\* \*\*\*\*

Attorney Jernigan drafted this Ordinance as an enforcement clarification. The original had that as long as it was behind a sight proof fence it was not a nuisance and the fence was behind the property line. However, you can not have a fence behind the property line it must be behind the building line. He said a nuisance is a nuisance no matter where it is, behind a fence or not there are no exceptions and this is how it is in other cities. Inspector Turman said that there are at least 12 other properties that this change would affect. Councilman Nelson stated that there are many more than that and it is a matter of whether we can and will enforce it. Attorney Jernigan said that they really need to look at the nuisance

Ordinance as a whole and revamp the whole thing. Some how the State Statute on Weeds and trash ended up in the nuisance ordinance and with a nuisance they have a right to appeal to the council but that is not true for weeds and trash. He said that needed to be separate sections. Councilman Nelson stated that items behind sight proof fences have been allowed and the city would be taking away peoples rights. Mr. Jernigan stated that the nuisance ordinance loses its effectiveness when you allow it behind a fence.

Motion by Street, second by Martinez to continue this item and item 20 to the July 5<sup>th</sup> meeting. Poll vote: Alexander, yea; Johnson, yea; Nelson, yea; Gossman, yea, Martinez, yea; Street, yea; Shapiro, yea; Olson, yea; and Tardibono, yea.

**Motion Passed Unanimously.**

B. Approval of emergency clause.

**Moot.**

20. A. Discussion and possible action on an Ordinance amending 10.84.040 (B).  
\*Jernigan\* \*\*\*\*\*

B. Approval of emergency clause.

Item 21 was heard before item 7.

21. Discussion and possible action concerning property at 6612 NW 58<sup>th</sup> Terr. to take all necessary steps to abate code violations existing on the property including filing of litigation. \*Jernigan\*

Attorney Jernigan said that he and Inspector Turman had met with the owner, Mr. McClure, and his attorney a couple of times and explained what needed to be done and that a time frame schedule needed to be turned into the city. He said that the fence issue had been taken care of but they were still waiting on the schedule. Ms. Lin, Mr. McClure's attorney, told the council that Mr. McClure had lived there for 27 years and for the last 20 had received conflicting letters from the city. She said he has been working to correct the problems however he does work 50-60 hours a week which does not leave him much time to work on the property. She said that he has removed 4 vehicles and they are requesting a 6 month time period to complete the work. She said that once he has it all cleaned off he is contemplating selling the property. The council discussed what needed to be done and decided that 6 months was too much time considering Attorney Jernigan and Inspector Turman had already spent 4 to 5 months on this issue. They said that the vehicles could be moved much faster and the other could be loaded into a dump truck and hauled off quickly.

Motion by Shapiro, second by Martinez to allow a 90 day extension from this day, June 20, 2006, and proceed with litigation if necessary. Poll vote: Alexander, yea; Johnson, yea; Nelson, nay; Gossman, yea, Martinez, yea; Street, yea; Shapiro, yea; Olson, yea; and Tardibono, yea.



**Motion Passed.**

22. Discussion and possible action concerning the payment of vacation time in the FY 2006-2007. \*Ramirez\* \*\*\*\*

Clerk Ramirez stated the employee will be asking to cash in vacation time since they will not be paid for overtime and this is not ever funded but the amount that is budgeted for overtime usually covers the cost. The problem is now that there is limited overtime funding either the handbook needs amended to not allow cashing in vacation for pay or the council needs to allow funding. Councilman Johnson stated that it had to be paid so they needed a dollar figure so they could make an appropriation. Clerk Ramirez stated that she would have to get the information for them because she had no idea how much it would amount to.

Motion by Gossman, second by Martinez to continue this item to the July 5<sup>th</sup> meeting. Poll vote: Alexander, yea; Johnson, yea; Nelson, yea; Gossman, yea, Martinez, yea; Street, yea; Shapiro, yea; Olson, yea; and Tardibono, yea.

**Motion Passed Unanimously.**

Item 23 was heard after item 21.

23. Discussion and possible action concerning contract and negotiations for FY 2006-2007 with FOP Lodge #145 and I.A.F.F. Local #2374 and the City of Warr Acres, including discussion and action on entering into Executive Session as allowed under 25 O.S. Supp. 307 (B) (2), Discussing negotiations concerning employees and representatives of employee groups. \*Puckett\*

Motion by Martinez, second by Nelson to enter into executive session with Mr. Puckett to stay. Poll vote: Alexander, yea; Johnson, yea; Nelson, yea; Gossman, yea, Martinez, yea; Street, yea; Shapiro, yea; Olson, yea; and Tardibono, yea.

**Motion Passed Unanimously.**

The council entered into executive session at 8:08 p.m.

The council returned to open session at 8:32 p.m.

The council took a recess at 8:32 p.m. and returned at 8:38 p.m.

24. Any Old or New Business ("New Business" is defined by the Open Meeting Act as any matter not known about or which could not have been reasonably foreseen prior to the time of posting of the agenda of a ("surprise nature")).

**Moot.**

25. Adjournment.

Motion by Gossman, second by Martinez to adjourn. Poll vote: Alexander, yea; Johnson, yea; Nelson, yea; Gossman, yea, Martinez, yea; Street, yea; Shapiro, yea; Olson, yea; and Tardibono, yea.

**Motion Passed Unanimously.**

The meeting was adjourned at 10:01 p.m.

Respectfully submitted,

Pamela McDowell-Ramirez  
City Clerk

## **MINUTES**

### **WARR ACRES ECONOMIC DEVELOPMENT MEETING JUNE 20, 2006**

The Economic Development Authority convened at 7:15 p.m.

## **ROLL CALL**

### **PRESENT**

### **ABSENT**

Chair Marietta Tardibono  
Vice-Chair Jeff Martinez  
Trustee Jimmy Alexander  
Trustee Walter Johnson  
Trustee Mike Gossman  
Trustee Rodney Nelson  
Trustee Stan Street  
Trustee Nancy Olson  
Trustee Stewart Shapiro

1. Approval of Minutes of the Meeting of Economic Development Authority Regular Meeting of May 16, 2006. \*\*\*\*

Motion by Johnson, second by Nelson to approve the minutes. Poll vote: Alexander, yea; Johnson, yea; Nelson, yea; Gossman, yea, Martinez, yea; Street, yea; Shapiro, yea; Olson, yea; and Tardibono, yea.

### **Motion Passed Unanimously.**

2. Discussion and possible action on appraisal or proposals and possibly entering into Executive Session as allowed under 25 O.S. Supp 307 (C)(10), All nonprofit foundations, boards, bureaus, commissions, agencies, trusteeships, authorities, councils, committees, public trusts, task forces, or study group supported in whole or part by public funds, or entrusted with the expenditure of public funds for purposes of conferring on matters pertaining to economic development, including the transfer of property, financing, or the creation of a proposal to entice a business to locate within their jurisdiction if public disclosure of the matter discussed would interfere with the development of products or services or if public disclosure would violate the confidentiality of the business.

Councilman Shapiro asked for the waiving of the reading of the item there were not objections.

Motion by Martinez, second by Johnson to enter into executive session with Mr. Farris to stay. Poll vote: Alexander, yea; Johnson, yea; Nelson,

yea; Gossman, yea, Martinez, yea; Street, yea; Shapiro, yea; Olson, yea; and Tardibono, yea.

**Motion Passed Unanimously.**

The trust entered into executive session at 7:17 p.m.

The trust returned to open session at 7:51 p.m.

3. Adjournment of the Warr Acres Economic Development Authority Meeting.

Motion by Martinez, second by Gossman to adjourn. Poll vote: Alexander, yea; Johnson, yea; Nelson, yea; Gossman, yea, Martinez, yea; Street, yea; Shapiro, yea; Olson, yea; and Tardibono, yea.

**Motion Passed Unanimously.**

The Economic Development Authority adjourned at 7:51 p.m.

Respectfully submitted,

Pamela McDowell-Ramirez  
City Clerk